S.B. Civil Writ Petition No. 1278/2004

(Narayan Singh V/s State)

Date of Order : 2/12/2004

HON'BLE MR. PRAKASH TATIA,J.

Mr.Ashwini Swami, for the petitioner/s
Mr.L.R.Upadhyaya, Dy. G.A.

Heard learned counsel for the parties.

Both the learned counsel submits that the controversy involved in this writ petition was subject matter in bunch of other writ petitions which were decided by this Court in case of Hazari Ram V/s State and Ors. (S.B.Civil Writ Petition No. 1649/2003) and the same view was followed by the another bench of this Court in S.B. Civil Writ Petition No.692/2004. Therefore, according to the learned counsel for the petitioner, present writ petition deserves to be allowed.

It appears from the facts of the case of Hazari Ram as well as case of Hari Ram decided by this Court vide orders dated 20.10.2003 and 17.2.2004 respectively that the petitioners names, from the revenue record, were deleted in pursuance of the order of the State Government dated 6.3.2003 and therefore, this court set-aside the order of correction of the entries made in revenue record by removing the names of the petitioners.

Here in this case, the averments of the

petitioner is that the name of the petitioner has not been cancelled till filing of the writ petition by the petitioner. The petitioner filed the writ petition apprehending that in pursuance of the order of the State Government dated 6.3.2003 his name from the revenue record may be deleted.

In view of the above, this writ petition deserves to be allowed and hence allowed and it is ordered that the name of the petitioner may not be deleted from the revenue record from Khasara No.103 of Village Rasliyawas, Patwar Circle Gawardi, Tehsil Merta, District Nagaur in pursuance of the order of the State Government dated 6.3.2003, without giving an opportunity of hearing to the petitioner and in case the name of the petitioner has been deleted from the revenue record from the said land during the pendency of the writ petition in pursuance of the order dated 6.3.2003, the same shall stand set-aside and the concerned officers shall pass appropriate order after hearing the petitioner in case the authority wishes to make any change in the revenue record of the land in question.

(PRAKASH TATIA)J.

RM/